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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/714,163             |              |
|   | Filing Date          | November 13, 2003      |              |
|   | First Named Inventor | Lawrence M. KAUVAR     |              |
|   | Art Unit             | 1641                   |              |
|   | Examiner Name        | D. Venci               |              |
| Total Number of Pages in This Submission  | 41                   | Attorney Docket Number | 388512010411 |

| ENCLOSURES (Check all that apply)  |   |  |
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| <div>Remarks</div> <div>Customer No. 25225</div>   |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                         |          |        |
|--|-------------------------|----------|--------|
| Firm Name                                  | MORRISON & FOERSTER LLP |          |        |
| Signature                                  |                         |          |        |
| Printed name                               | Kate H. Murashige       |          |        |
| Date                                       | December 28, 2005       | Reg. No. | 29,959 |

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| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. |                                     |
| Dated: December 28, 2005  | Signature:  (Marian L. Christopher) |